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ETHICS COMMISSION

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BLOWING THE WHISTLE





WHISTLE BLOWER PROTECTION

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Those of us who work in government know that our jobs carry a reward we wouldn't get in the private sector. Each day, we know that what we do is for the benefit of all the citizens of our state, rather than a narrow private interest. But working in the public's interest carries special responsibilities, too, especially when we see other employees working against the public interest.

Conscientious employees who witness unethical activity in the workplace know that they should report it to the authorities, but they may feel confronted with a dilemma. Consider the following hypothetical case:

Deborah's boss routinely asks her to prepare travel vouchers to reimburse him for travel she knows he has not done. Deborah considers filing a complaint with her Executive Inspector General, but hesitates: what if my boss finds out that I turned him in? He could make my life miserable and I have a family to support.

Employees in this position often worry about what might happen if they report the unethical activity. They may worry that reporting the activity will draw unwanted attention to themselves and their coworkers. They may fear that

reporting the activity will destroy friendships and careers. They may fear “payback,” especially by their supervisors in the form of discipline and even, termination.



REPORTING MISCONDUCT IS PROTECTED

In order to provide support for State employees in Deborah’s position, however, the General Assembly enacted laws to protect employees from retaliation for engaging in “protected activity”. Protected activity means:

- 1) disclosing or threatening to disclose to a public body what the employee reasonably believes to be illegal or inappropriate activity;
- 2) providing information to or testifying before a public body; or
- 3) assisting or participating in a proceeding to enforce the Ethics Act.

The Act prohibits State agencies or employees from retaliating by way of reprimand, discharge, suspension, demotion, denial of promotion or transfer of employees who engage in protected activity.

Example: Jerry reasonably believes that his supervisor at a State agency is stealing office supplies and selling them over the internet. Jerry filed a complaint with the Executive Inspector General and is cooperating with the investigation. The supervisor suspects that Jerry filed the complaint and, in retaliation, suspends Jerry on the basis of a false accusation.

Under these circumstances, Jerry's supervisor engaged in unlawful retaliation.



REMEDIES FOR RETALIATION

Employees who suffer retaliation for reporting unethical behavior or cooperating in an investigation are entitled to certain remedies. These include:

- reinstatement to the same or an equivalent position
- twice the amount of back pay with interest
- reinstatement of full employee benefits and seniority rights
- reasonable costs and attorney fees

Employees may be entitled to additional benefits under other federal or State laws or their own employment contracts.

OTHER PROTECTIONS

In addition to the whistle blower protection, other provisions of the Ethics Act protect employees who report violations. For example, the identity of any individual providing information or reporting alleged misconduct to an Executive Inspector General or the Executive Ethics Commission shall be kept confidential and may not be disclosed unless the individual consents to disclosure or disclosure is otherwise required by law.



Also, allegations and related documents submitted to an Executive Inspector General are exempt from the provisions of the Freedom of Information Act unless and until the Executive Ethics Commission finds that a violation has occurred.

For more information, contact your Ethics Officer.

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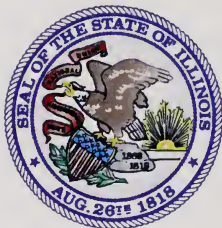
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